

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24034
Docket Number w-23975

Josef P. Sirefman, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way **Employees**
{ **Consolidated Rail** corporation

STATEMENT OF CLAIM: "Claim of the System **Committee** of the **Brotherhood** that:

(1) The ten day record suspension assessed **Foreman** W. P. Bertier and Crane **Operator** V. M. **Giordano** for alleged responsibility 'for the **damage** to Crane **H-48**' was without just and sufficient cause and on the **basis** of unproven charges (System Docket No. **NH-21**).

(2) Foreman **W. P. Bertier** and Crane Operator V. M. **Giordano** shall have their personal. records cleared of the charges leveled against them.

OPINION OF BOARD: claimants, Foreman **W. P. Bertier** and Crane Operator V. M. **Giordano**, were served with a June 22, 1979 notice of investigation to develop facts **and** determine responsibility; **if any**, for **damage** to crane **H-48** on June 20, 1979. A hearing was held on July 11, 1979, **and** Claimants were subsequently found partially responsible for **damage** to the crane and the **Carrier** imposed a ten-day suspension on each.

A **review** of the record before this Board establishes through the numerous witnesses **that** there was substantial evidence to **sustain** Carrier's decision to **discipline** the Claimants. Given the seriousness of the violation the discipline of a **ten-day** record suspension for both Claimants was reasonable.

FINDINGS: The Third Division of the Adjustment **Board**, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employees** involved in **this** dispute are respectively **Carrier** and **Employees** within the **meaning** of the **Railway** Labor Act, **as** approved June 21, 1934;

That this Division of the Adjustment Board has **jurisdiction** over the dispute involved herein; and

That the Agreement was not violated.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of November 1982.

